

RECEIVED
CENTRAL FAX CENTER
JAN 10 2005

Fax

To: Examiner David Lukton

From: Timothy J. Douros

Tel: 781 860 8660

Fax: 781 860 1407

Fax: 703 872 9306

Pages: 25 (including cover sheet)

Phone: 571 272 0952

Date: January 10, 2005

Re: US Serial No. 09/738,742 (C058 US)

CC:

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

Comments:

I hereby certify that this correspondence (Transmittal Form, Amendment, and Petition for Extension of Time) is being sent via Facsimile to 703 872 9306 for the attention of Examiner David Lukton at Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 10, 2005.


Viana Daly

January 10, 2005
Signature Date

THIS FAX IS FOR THE SOLE USE OF THE INTENDED RECIPIENT(S) AND CONTAINS CONFIDENTIAL AND PRIVILEGED INFORMATION. ITS CONTENTS SHOULD NOT BE DISCLOSED NOR SHOULD IT BE GIVEN OR COPIED TO ANYONE. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE CONTACT THE SENDER AND DESTROY ALL COPIES OF THE ORIGINAL MESSAGE. THANK YOU.

US Resp to 070904 OA Fax Cover

65 Hayden Avenue, Lexington, MA 02421

P. 781.860.8660

F. 781.860.1407

www.cubist.com

BEST AVAILABLE COPY

PTO/SB/21 (09-04)

Approved for use through 07/31/2006, OMB 0551-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

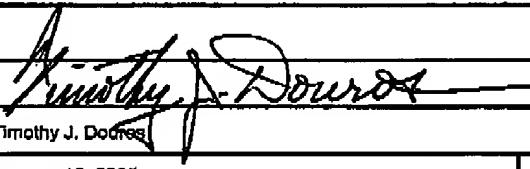
Total Number of Pages in This Submission **34**Application Number **09/138,742**Filing Date **December 15, 2000**First Named Inventor **Jason Hill**Art Unit **1653**Examiner Name **David Lukton**Attorney Docket Number **C058 US**

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name



Signature

Printed name

Timothy J. Douras

Date

January 10, 2005

Reg. No. 41,716

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Viana Daly

Date January 10, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER
JAN 10 2005

Attorney Docket No. C058

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : David Lukton
Group : 1653
Applicants : Jason Hill et al.
Application No. : 09/738,742
Filed : December 15, 2000
For : NOVEL LIPOPEPTIDES AS ANTIBACTERIAL AGENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

This Amendment is filed in response to the Office Action mailed July 9, 2004 (hereafter "the Office Action") in the above-identified application.

Kindly amend the application as follows:

C058 Response to 070904OA 01-10-05 FINAL